

194216

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of PRTCommunications, LLC for
Designation as an Eligible Telecommunications
Carrier

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SC PUBLIC SERVICE
COMMISSION

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 300 - C

(Please type or print)

Submitted by: Margaret M. Fox, Esquire

SC Bar Number: 65418

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other:

- ☐ Affidavit
☐ Agreement
☐ Answer
☐ Appellate Review
☐ Application
☐ Brief
☐ Certificate
☐ Comments
☐ Complaint
☐ Consent Order
☐ Discovery
☐ Exhibit
☐ Expedited Consideration
☐ Interconnection Agreement
☐ Interconnection Amendment
☐ Late-Filed Exhibit

- ☐ Letter
☐ Memorandum
☒ Motion
☐ Objection
☐ Petition
☐ Petition for Reconsideration
☐ Petition for Rulemaking
☐ Petition for Rule to Show Cause
☐ Petition to Intervene
☐ Petition to Intervene Out of Time
☐ Prefiled Testimony
☐ Promotion
☐ Proposed Order
☐ Protest
☐ Publisher's Affidavit
☐ Report

- ☐ Request
☐ Request for Certification
☐ Request for Investigation
☐ Resale Agreement
☐ Resale Amendment
☐ Reservation Letter
☐ Response
☐ Response to Discovery
☐ Return to Petition
☐ Stipulation
☐ Subpoena
☐ Tariff
☒ Other: Network
Improvement Plan

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August 5, 2008

Mr. Charles L. A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

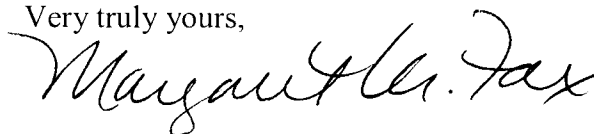
Re: Application of PRTCommunications, LLC for Designation
as an Eligible Telecommunications Carrier

Dear Mr. Terreni:

Enclosed for filing on behalf of PRTCommunications, LLC ("PRTC"), please find a Network Improvement Plan, as required by Commission Regulation 103-690(C)(a)(1)(B), in support of PRTC's Application in the above-referenced matter. This Plan is being filed on a confidential basis, and is accompanied by a Motion for Confidential Treatment. The Plan is being provided in a sealed envelope, with each page marked "Confidential" in red ink.

Thank you for your assistance.

Very truly yours,



Margaret M. Fox

MMF/rwm
Enclosure

cc: Nanette S. Edwards, Esquire

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Application of)
PRTCommunications, LLC)
For Designation as an)
Eligible Telecommunications)
Carrier)
_____)

Docket No. _____

MOTION FOR CONFIDENTIAL TREATMENT

PRTCommunications, LLC ("PRTC") respectfully requests that the South Carolina Public Service Commission ("the Commission") grant confidential treatment of the network improvement plan filed in support of PRTC's Application for Designation as an Eligible Telecommunications Carrier ("ETC"). This motion is made on the following grounds:

1. As part of its Application, PRTC is filing a network improvement plan ("the Plan") which contains confidential, proprietary and competitively-sensitive business information. The Plan consists of detailed maps and other information showing proposed specific improvements or upgrades to be funded by support over the next two years (calendar years 2009 and 2010); projected start and completion dates for each improvement; estimated amount of investment for each project funded by support; estimated population to be served; coverage areas before and after improvements; and explains the basis if improvements are not needed. The Plan also shows how funding will be used to further supported services and provides a statement as to how improvements funded by support would not otherwise occur absent support, and would be used in addition to normal expenses incurred.

2. The maps and related information included within the Plan contain confidential, proprietary, competitively-sensitive business and technical information which, if disclosed, would cause competitive harm to PRTC. Protection of such confidential and proprietary information is consistent with Commission precedent. Additionally, the South Carolina Freedom of Information Act, S.C. Code Ann. 30-4-10 *et seq.*, exempts “trade secrets” from public disclosure. Trade secrets include “unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities...which are generally recognized as confidential and work products.” S.C. Code Ann. § 30-4-40(a)(1). PRTC believes the Plan contains “trade secrets” as defined under South Carolina law, and that disclosure would give actual and potential competitors an unfair competitive advantage.

3. The Commission has previously granted requests for confidential treatment of network improvement plans filed in support of ETC applications. *See, e.g.*, Order No. 2008-19 in Docket No. 2007-402-C (HTC Communications, LLC); Order Nos. 2007-400 and 2007-503 in Docket No. 2007-193-C (FTC Communications, Inc., d/b/a FTC Wireless); Order No. 2006-415 in Docket No. 2003-227-C (Hargray Wireless, LLC).

4. PRTC will make the Plan available to parties in the above-captioned proceeding, provided those parties seeking to review the information execute an appropriate protective agreement to ensure that the information remains confidential. PRTC does not believe, however, that the Plan is appropriate for public viewing or release.

5. PRTC further requests that the Commission’s Protective Order granting confidential treatment to the Plan extend to any discussions of the Plan, oral or written, that are designated as

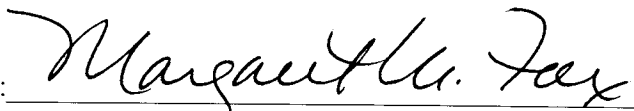
confidential through appropriate means, and that may be presented to the Commission during the course of the proceedings in this Docket.

6. In accordance with the Commission's guidelines, as set out in Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials," PRTC has submitted a proprietary, un-redacted copy in a sealed envelope with each page marked "Confidential" in red ink.

WHEREFORE, PRTCommunications, LLC, respectfully requests that the Commission issue a Protective Order granting confidential treatment to PRTC's network improvement plan, as described herein and filed under seal in support of the Application in the above-captioned matter.

Respectfully submitted,

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By: 
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ATTORNEYS FOR PRTCOMMUNICATIONS, LLC

August 5, 2008

Columbia, South Carolina.